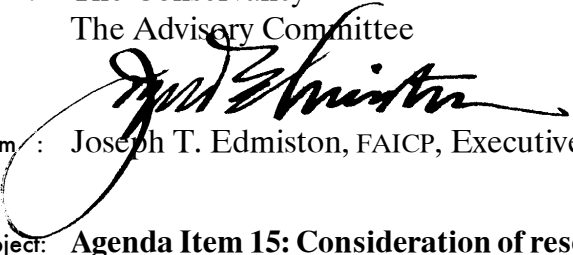


Memorandum

To : The Conservancy
The Advisory Committee

Date: January 28, 2008

From :  Joseph T. Edmiston, FAICP, Executive Director

Subject: **Agenda Item 15: Consideration of resolution adopting findings pursuant to Public Resources Code Section 30515 and 14 CCR Section 13666 that the proposed Santa Monica Mountains Conservancy amendment for a public works project to the Malibu Local Coastal Program meets public needs of an area greater than that included within the Malibu certified local coastal program that had not been anticipated at the time the local coastal program was before the commission for certification.**

Staff Recommendation: That the Conservancy adopt the following findings.

Legislative Authority: Public Resources Code Section 30515 and implementing sections of the California Code of Regulation, 14 CCR Section 13666.

Any person authorized to undertake a public works project...may request any local government to amend its certified local coastal program, if the purpose of the proposed amendment is to meet public needs of an area greater than that included within such certified local coastal program that had not been anticipated by the person making the request at the time the local coastal program was before the commission for certification.

Background: Subsequent to the adoption of the City of Malibu Local Coastal Program (LCP) in 2002, the Coastal Commission's representative to the Santa Monica Mountains Conservancy (Conservancy) (then David Allgood) requested in early 2006 that staff put together a presentation on increased public access opportunities within the Malibu coastal zone. A staff presentation was made on March 27, 2006 relative to various access improvement alternatives. The consensus of the Advisory Committee and Conservancy comments was that the staff should proceed to develop a comprehensive program of public access involving as many properties as possible owned by the Conservancy or Mountains Recreation and Conservation Authority (MRCA) in Malibu.

On June 26, 2006, a public hearing was held and staff made a presentation on the Malibu Public Parks Enhancement Plan-Public Works Plan. Several hearings and presentations followed regarding the public works plan. On November 29, 2006, the Conservancy adopted the Malibu Public Parks Enhancement Plan-Public Works Plan. The City of Malibu continued to urge that the Conservancy submit a Local Coastal Program Amendment (LCPA) to the City rather than pursue a public works plan with the Coastal Commission. A negotiated

Memorandum of Understanding and litigation stand-still agreement (together referred to as the MOU) was executed by the City and Conservancy/MRCA. On January 22, 2007, the Conservancy and the Advisory Committee took two actions required of it by the MOU: (a) the Conservancy rescinded the resolution adopting the Malibu Public Parks Enhancement Plan-Public Works Plan, and (b) directed instead that a LCPA be submitted to the City of Malibu.

After the Conservancy/MRCA submitted the LCPA to the City Malibu, the Malibu Planning Commission approved the LCPA on October 9, 2007, subject to a number of conditions and recommendations. However, the final action by the City Council on December 5, 2007 resulted in the adoption of a LCPA that reduces the allowed uses of public parkland, restricts access to parks owned by the Conservancy and the MRCA, and generally fails to fulfill the intent of the original PWP and is contrary to the intent of the LCPA as proposed by the Conservancy.

At the December 28, 2007 Conservancy meeting, the Conservancy authorized the Executive Director to submit a Malibu LCPA pursuant to the local coastal program override procedures of the California Coastal Commission to include the various park and access improvements, including at Ramirez Canyon Park, Corral Canyon Park, and Escondido Park.

At the January 14, 2008 Malibu City Council meeting, Agenda Item 3.B.10 pertained to the request from the Conservancy/MRCA proposed PWP. The City staff recommended action was to acknowledge the Conservancy's request to rescind its December 5, 2007 Council decision to deny the LCPA proposed by the Conservancy/MRCA. The City staff recommended action also directed the City Manager to prepare a response indicating that the LCPA is currently pending before the Coastal Commission. The City's LCPA is currently pending before the Coastal Commission, and contains numerous provisions the Council imposed that would make the City's LCPA unworkable from the Conservancy's perspective, including prohibiting camping in any zone, and severely limiting the (previously-permitted) uses at Ramirez Canyon Park, unless the Conservancy purchases land and constructs a new road from Kanan-Dume Road.

With respect to trails specifically, in recent years and for many years, staff has monitored development proposals before the City of Malibu Planning Commission and Council, and the development of the City's Trails Master Plan, and has noted and commented on deficiencies in the City's approach to implementing important trail connections. This is despite specific policies and implementation measures in the LCP pertaining to the implementation of the trail system in the City. Also, the Santa Monica Mountains National Recreation Area Interagency Trail Management Plan has been actively developed by a multi-agency team since the adoption of the Malibu LCP. Because of this information staff has learned in recent years, the Conservancy/MRCA are proposing this LCPA that would define specific trail policies and implementation measures to effectuate the regionally important Coastal Slope Trail and other connector trails, including the development of associated public parking areas and restrooms.

With respect to uses at Ramirez Canyon Park, the Coastal Commission granted a coastal development permit (CDP) for Ramirez Canyon Park on April 12, 2000 subject to conditions that were satisfied on February 6, 2001. The permitted uses included Conservancy and MRCA offices and outreach programs. The Malibu LCP was adopted by the Commission on September 13, 2002. The Ramirez Canyon Park CDP was set aside in 2005 by failure to confer with the City of Malibu, not on the merits. Malibu contests the current uses at Ramirez Canyon Park, and specifically the offices. Government facilities and charitable, philanthropic activities are not permitted uses in the open space designation. The Conservancy's losing its permit on appeal was not anticipated at the time the Malibu LCP was before the Commission, as it was assumed that the uses at Ramirez Canyon Park would be grandfathered.

Pursuant to 14 CCR Section 13666, the override procedures are applicable to persons authorized to undertake a public works project or proposing energy facility development that requires LCP amendments provided that the development meets the following two requirements:

- (1) unanticipated by the person proposing the development at the time of LCP was before the Commission for certification.
- (2) meets the public needs of an area greater than that included in the certified LCP.

Regarding requirement (1), this entire package including the development of specific campsites, comprehensive trails, and associated support facilities was not contemplated at the time the LCP was before the Commission for certification. As described above, since 2002, the Conservancy and MRCA have developed the public works plan, to propose improvements and to increase public access to areas over which the Conservancy and MRCA have jurisdiction in Malibu. While camping was generally addressed in the certified LCP, specific campsite locations at Corral Canyon Park, Escondido Canyon Park, and Ramirez Canyon Park, including the proposed accessible campsites, were not addressed. Although some uses were applied for and permitted around 2002, this entire package including multiple campsites at multiple parks (including campsites accessible for disabled persons), a more extensive and complete trail system connecting the Conservancy/MRCA parks, and associated support facilities, was not contemplated at the time the LCP was before the Commission for certification.

Regarding requirement (2), the Conservancy's LCPA proposes expanded use associated with new campsites, acquisition and improvements of the Coastal Slope Trail, and public parking and restrooms associated with these uses. It is anticipated that users of these proposed campsites and/or trails would include local Malibu visitors, but potentially could also include

residents from the greater Los Angeles area including San Fernando Valley, City of Los Angeles proper, and Culver City, hiking and camping groups from the greater Los Angeles area and beyond, scout troops, retreat groups, classes from local schools, cycling groups, disabled persons and/or people in disabled access groups from the greater Los Angeles area and beyond, visitors from other areas in California and other states, and international visitors (e.g., European tourists). Per California State Parks, there is a high unmet demand for camping outdoor opportunities in California and some California State Parks coastal campsites are at or near capacity during the spring, summer and fall months. In addition, events at Ramirez Canyon Park have typically been attended by people outside of the Malibu area.